

**MINUTES
URBAN COUNTY PLANNING COMMISSION
ZONING ITEMS PUBLIC HEARING**

November 21, 2013

- I. **CALL TO ORDER** – The meeting was called to order at 1:30 p.m. in the Council Chamber, 2nd Floor LFUCG Government Center, 200 East Main Street, Lexington, Kentucky.

Planning Commission members present: Will Berkley; Carla Blanton; Patrick Brewer; Mike Cravens; David Drake; Karen Mundy; Mike Owens, Chair; Frank Penn; Carolyn Plumlee; and Bill Wilson. Absent was Eunice Beatty.

Planning staff members present: Chris King, Director; Bill Sallee; Barbara Rackers; Traci Wade; Tom Martin; Kelly Hunter; and Stephanie Cunningham. Other staff members present were Tracy Jones, Department of Law; Captain Charles Bowen and Lieutenant Greg Lengal, Division of Fire and Emergency Services; Casey Kaucher, Division of Traffic Engineering; and Tim Queary, Urban Forester.

II. **POSTPONEMENTS AND WITHDRAWALS**

- a. DP 2013-90: SPRINGDALE SUBDIVISION, UNIT 2, BLOCK A, LOTS 1, 2 & 3 (1/5/14)* - located at 659 Mitchell Avenue. (Council District 11) **(Barrett Partners)**

Note: The Planning Commission postponed this plan at their November 14, 2013, meeting.

The Subdivision Committee Recommended: **Postponement**. There are concerns with the proposed lotting and the 30' building line.

Should this plan be approved, the following conditions should be considered:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree preservation plan.
6. Bike & Pedestrian Planner's approval of bike trails and pedestrian facilities.
7. Division of Fire, Water Control Office's approval of the locations of fire hydrants, fire department connections and fire service features.
8. Division of Waste Management's approval of refuse collection locations.
9. Documentation of Division of Water Quality's approval of the Capacity Assurance Program requirements, prior to plan certification.
10. Provided the Planning Commission makes a finding on the use of an access easement in accordance with Article 6-8(m) of the Land Subdivision Regulations.
11. Discuss required information for private open space.
12. Discuss proposed lotting.
13. Discuss resolution of building conflicts with platted 30' building line.

Petitioner Representation: Tony Barrett, Barrett Partners, was present representing the petitioner. He requested a one-month postponement of this item.

Citizen Comment: Michael Galbraith, president of the Mitchell Avenue Neighborhood Association, stated that several neighborhood residents were present to comment on this item. He said that a postponement would require those individuals to organize and attend another meeting, and he asked if they could register their opposition and ask questions today.

Discussion: Mr. Owens asked Mr. Barrett to explain the petitioner's reasons for requesting a postponement of this item. Mr. Barrett responded that, at the time of the last postponement, he received word from the staff on the day of the meeting that the Division of Fire and Emergency Services had concerns about the plan that had not yet been addressed. He further explained that he received word today that there were some concerns about the plan related to disposal of solid waste, adding that the petitioner needed additional time to address those concerns.

Mr. Owens stated that these types of issues do occur from time to time, and that the Planning Commission typically agrees to a postponement in order to allow the concerns to be resolved without a lengthy debate at this point in the process.

Mr. Galbraith said that the neighbors are concerned about the proposed 10' setback on the property, noting that the required setback is 30'. He added that he was aware that the approval of the Board of Adjustment might be required, and that the neighbors would like to clarify that issue. Mr. Owens suggested that the residents attempt to address those concerns with Mr. Barrett, the petitioner, and the Planning staff.

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Action: A motion was made by Mr. Cravens, seconded by Mr. Brewer, and carried 8-2 (Penn and Plumlee opposed; Beatty absent) to postpone DP 2013-90 to the December 12, 2013, Planning Commission meeting.

- III. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, November 7, 2013, at 8:30 a.m. The meeting was attended by Commission members: Mike Owens, Carolyn Plumlee, Eunice Beatty and Karen Mundy. Committee members in attendance were: Hillard Newman, Division of Engineering; and Casey Kaucher, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Tom Martin, Cheryl Gallt, Barbara Rackers, Dave Jarman, Kelly Hunter, Denice Bullock and Scott Thompson, as well as Captain Charles Bowen and Lieutenant Greg Lengal, Division of Fire & Emergency Services and Tracy Jones, Department of Law. The Committee made recommendations on plans as noted.

General Notes

The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission.

1. *All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.*
2. *All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.*

- IV. **ZONING ITEMS** - The Zoning Committee met on Thursday, November 7, 2013, at 1:30 p.m. in the Division of Planning Office. The meeting was attended by Commission members Carla Blanton, Mike Cravens, David Drake, and Bill Wilson. The Committee reviewed applications, and made recommendations on zoning items as noted.

A. **ABBREVIATED PUBLIC HEARINGS ON ZONING MAP AMENDMENTS**

The staff will call for objectors to determine which petitions are eligible for abbreviated hearings.

~~The procedure for these hearings is as follows:~~

- Staff Reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) proponents (10 minute maximum OR 3 minutes each)
 - (b) objectors (30 minute maximum) (3 minutes each)
- Rebuttal & Closing Statements
 - (a) petitioner's comments (5 minute maximum)
 - (b) citizen objectors (5 minute maximum)
 - (c) staff comments (5 minute maximum)
 - (d) Hearing closed and Commission votes on zone change petition and related plan(s)

- B. **FULL PUBLIC HEARINGS ON ZONE MAP AMENDMENTS** – Following abbreviated hearings, the remaining petitions will be considered.

~~The procedure for these hearings is as follows:~~

- Staff Reports (30 minute maximum)
- Petitioner's report(s) (30 minute maximum)
- Citizen Comments
 - (a) proponents (10 minute maximum OR 3 minutes each)
 - (b) objectors (30 minute maximum) (3 minutes each)
- Rebuttal & Closing Statements
 - (a) petitioner's comments (5 minute maximum)
 - (b) citizen objectors (5 minute maximum)
 - (c) staff comments (5 minute maximum)
- Hearing closed and Commission votes on zone change petition and related plan(s)

Note: Requests for additional time, stating the basis for the request, must be submitted to the staff no later than two days prior to the hearing. The Chair will announce its decision at the outset of the hearing.

1. **URBAN COUNTY PLANNING COMMISSION ZONING MAP AMENDMENT**

- a. **MAR 2013-16: URBAN COUNTY PLANNING COMMISSION** - petition for a zone map amendment from an Agricultural Urban (A-U), Neighborhood Business (B-1), and Planned Shopping Center (B-6P) zone, with conditional zoning restrictions, to an Agricultural Urban (A-U), Neighborhood Business (B-1), and Planned Shopping Center (B-6P) zone with modified conditional zoning restrictions, for 29.96 net (30.77 gross) acres, for property located at 760 & 789 Newtown Springs Drive and 1443 & 1445 Newtown Center Way.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 7) recommends Retail, Trade, and Personal Services (RT) and Greenspace (GS) future land use. The Urban County Planning Commission has initiated a zone change to revise a conditional zoning restriction in order for the restriction to match an existing legal agreement between the property owner and

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the government as it relates to screening and landscaping along the Legacy Trail, which was constructed parallel to the Newtown Pike right-of-way.

The Zoning Committee Recommended: **Approval**, for the reasons provided by staff.

The Staff Recommends: **Approval**, for the following reason:

1. An easement agreement/contract between the property owner and the government, signed in December 2009, and the subsequent construction of the Legacy Trail, constitute major changes of a physical and economic nature that were not anticipated at the time the conditional zoning restriction was imposed on the subject property in 2001. These changes justify a modification to the conditional zoning on the subject property.
2. Under the provisions of Article 6-7 of the Zoning Ordinance, the subject property shall maintain conditional zoning restrictions #2 and #3; however, restriction #1 shall be modified to read:
 1. The developer shall construct a three-plank horse farm fence, generally parallel to the Legacy Trail (shared use path) along Newtown Pike.

Staff Presentation: Ms. Wade presented the staff report, noting that the Planning Commission had initiated this rezoning request approximately six weeks ago. She briefly oriented the Commission to the location of the four subject parcels on Newtown Springs Drive and Newtown Center Way, at the southeast corner of the intersection of Newtown Pike and Citation Boulevard. Ms. Wade displayed an aerial photograph of the subject property, noting the location of the Legacy Trail, which lies along the Newtown Pike frontage of these four lots.

Ms. Wade stated that the subject property is zoned A-U along the frontage of all four parcels. The remainder of the largest parcel (760 Newtown Springs Drive) is zoned B-6P, and the other parcels are primarily zoned B-1. Other zoning in the vicinity includes P-1 across Newtown Pike, and P-2 in the Coldstream Research Campus. The Newtown Springs development, to the rear of the subject property, includes professional office zoning, residential units, and a new nursing home facility. To the north of the subject property is the Griffin Gate golf course and subdivision, with a portion of the Lexmark property, which remains agriculturally zoned, to the south.

Ms. Wade said that this request for initiation was made by the property owner, who sought an amendment to the conditional zoning restrictions in order to allow those restrictions to match an agreement that they signed with the Lexington-Fayette Urban County Government in 2009. The current restrictions reads: "The developer shall construct a four-plank horse farm fence, and shall install plantings within the 75-foot buffer area along Newtown Road, all as more particularly shown on a rendered landscape plan." Ms. Wade explained that, when the conditional zoning restriction was put in place at the time of the rezoning of the subject property in 2001, there were no plans for the Legacy Trail, although the 75' greenspace area was depicted along the front of the properties in the 2001 Comprehensive Plan. Since that time, the Legacy Trail has been constructed in that area. Ms. Wade displayed several photographs of the Legacy Trail, noting that landscaping and trees have been installed parallel to the trail. The 2001 rezoning was approved with two additional conditional zoning restrictions, prohibiting some land uses and requiring the provision of landscaping along the other side of Citation Boulevard, to the benefit of the Griffin Gate neighborhood.

Ms. Wade stated that, in reviewing the agreement between LFUCG and the property owners, along with the existing conditional zoning restrictions, there were two differences. The conditional zoning restriction required a four-plank fence, while the subsequent agreement required three; there was also a disagreement with regard to the amount of landscaping required. The property owner is requesting that the agreement that provided the easement for the Legacy Trail be honored, reducing the number of fence planks to three and changing the required landscaping so that it would not be in addition to the amount already required by the Zoning Ordinance. Referring to a photograph of the property, Ms. Wade noted that the property owner would need to provide additional shrubs for vehicular use area screening, in addition to the existing trees, which are spaced approximately 50 feet apart.

Ms. Wade said that, in considering a request to modify conditional zoning restrictions, the Planning Commission must find that there has been an unanticipated change of an economic, physical, or social nature in the immediate area since the time the restriction was put in place. The staff believes that, in this case, the easement agreed upon by the property owner, and the subsequent construction of the Legacy Trail, were not anticipated at the time that the conditional zoning restriction was put in place, which constitutes a major change in the area. The property owner has acknowledged that they will need to install the fence, as well as some additional plantings, in order to meet the Zoning Ordinance requirements, which they intend to do at the time of any development on the subject property. Ms. Wade stated that the staff and the Zoning Committee recommended approval of this request, for the reasons as listed in the staff report and on the agenda.

Commission Questions: Mr. Owens asked why the Planning Commission was listed as the applicant in this request. Ms. Wade answered that the property owner asked the Planning Commission to be the applicant in this case. Mr. Sallee added that the Commission agreed to initiate the zone change this past summer.

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Mr. Owens asked on which side of the Legacy Trail the fence would be located. Ms. Wade responded that the staff's understanding was that the fence would be located between the trail and the developable area of the property. Mr. Owens asked how close the fence would be to the trail, to which Ms. Wade replied that that issue would be open for discussion at the time of the filing of a development plan for the property. She added that Scott Thompson, the Bicycle and Pedestrian Planner, indicated a desire for the fence to be constructed at a distance of at least 10 feet from the trail.

Mr. Penn asked if the required landscaping would be planted inside or outside the fence. Ms. Wade answered that the fence would be constructed around the existing trees, while the shrubs would be located very near the parking lot, since they would serve as the required vehicular use area screening.

Mr. Penn asked, with regard to the fence, why the property owner preferred a three-plank fence to the more typical four-plank fence, and whether the fence was intended to improve the appearance of the property, or screen it from view. Ms. Wade responded that the original intent was to provide screening for the development from Newtown Pike, the result of which was a four-plank fence and landscaping that was in excess of the Zoning Ordinance requirements. Since that time, the property owner entered into an agreement with LFUCG, which requires a three-plank fence. The property owner wants the conditional zoning restrictions to reflect the requirements of that agreement, and they chose to pursue that solution through a modification of the restrictions rather than a Council change to the trail agreement. Mr. Penn asked if the property owner's intent was to save money on the fencing, opining that a four-plank fence would have been more attractive. Ms. Wade said that it was the staff's understanding that the property owner wanted the two sets of requirements to match. Mr. Sallee added that the staff was not party to the agreements that resulted in the construction of the Legacy Trail, but once the inconsistency was identified, the staff knew that one of the requirements would need to be changed prior to the beginning of any development on the property. He added that the property owner did not have a representative present at this hearing to elaborate further on their reason for pursuing the three-plank fence.

Mr. Owens agreed with Mr. Penn's opinion that four-plank fencing would be more attractive, and that it would fit better with the rest of the fencing along Newtown Pike, which is four-plank. He said that in this case, however, he believed that the three-plank fence might be more appropriate, since it would provide for a more open view along the Legacy Trail.

Citizen Comment: Chris Jones, 2372 Prescott Lane, stated that the property on which the Red Cross buildings are located, directly across Citation Boulevard, has a four-plank fence.

Zoning Action: A motion was made by Mr. Wilson, seconded by Mr. Drake, and carried 9-1 (Plumlee opposed; Beatty absent) to approve MAR 2013-16, for the reasons provided by staff.

2. URBAN COUNTY COUNCIL ZONING MAP AMENDMENT

- a. MAR 2013-17: URBAN COUNTY COUNCIL (12/14/13)* – petition for a zone map amendment from a Planned Neighborhood Residential (R-3) zone to an Office, Industry & Research Park (P-2) zone, for 15.91 net (16.99 gross) acres, for property located at 920 Citation Boulevard.

LAND USE PLAN AND PROPOSED USE

The 2007 Comprehensive Plan (Sector 7) recommends Medium Density Residential (MD) future land use for the subject property, defined as 5–10 dwelling units per acre. The Urban County Council initiated a zone change for the subject property in order to permit its development in a similar style and use as the rest of the Coldstream Research Campus. A distribution and warehouse facility is currently under consideration for approximately half of the subject property.

The Zoning Committee Recommended: **Approval**, for the reasons provided by staff.

The Staff Recommends: **Approval**, for the following reason:

1. The existing Planned Neighborhood Residential (R-3) zoning is inappropriate, and the proposed Office, Industry and Research Park (P-2) zoning is appropriate for the following reasons:
 - a. No street connectivity exists between either of the adjoining established neighborhoods and the subject property; when combined with the extensive tree line and landscaping in place along these property lines, the result is an isolated parcel.
 - b. A less than favorable market in this portion of the community exists for multi-family residential, evidenced by another multi-family condominium development in the immediate vicinity that has been sold/occupied at a slow rate over the past decade.
 - c. Property frontage along Citation Boulevard (one of the community's major connector roadways), and easy access to Georgetown Road and Newtown Pike, are preferred for warehousing and distribution of goods, as is proposed for a significant portion of the subject property.
 - d. The property is already a part of the Coldstream Research Campus development, which is zoned P-2 in whole.
 - e. The proposed warehouse and distribution facility land use is similar in terms of intensity and traffic to previous uses planned for the site, but never accomplished, such as a public school and the LFUCG Emergency Operations and Security Center.

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2. Under the provisions of Article 6-7 of the Zoning Ordinance, the use of the subject property shall be restricted as follows:
 - a. A 50-foot landscape buffer shall be established along the western and southern property boundaries. Any trees greater than 4" DBH shall be maintained, unless dead or diseased. The Urban Forester shall be consulted prior to removal of any dead or diseased trees on this portion of the subject property.
This restriction is appropriate and necessary in order to maintain a significant landscape buffer along the established residential neighborhoods immediately adjoining the subject property.

Staff Presentation: Ms. Wade presented the staff report, noting that this rezoning request was initiated by the Urban County Council in October. She briefly oriented the Commission to the location of the approximately 16-acre property on Citation Boulevard. The subject property is located near McGrathiana Parkway, to the west of Newtown Pike, and it borders the Highland Park and Belmont Farm neighborhoods, as well as the remainder of the Coldstream Research Campus. Ms. Wade noted that the subject property is part of the Coldstream Research Campus; it was indicated as "Lot 1" when the entire campus was rezoned.

Referring to a rendered copy of the previously approved preliminary development plan for the property, Ms. Wade explained that, because this rezoning was initiated by the Urban County Council, there is no accompanying development plan. When the Coldstream campus was rezoned in 1991, the subject property was the only parcel that was not rezoned to a P-2 zone. It was originally planned to be a public school site, with residential use as a second option, but Fayette County Public Schools was not interested in purchasing the property. Ms. Wade said that, in 2009, Lexington-Fayette Urban County Government purchased a 99-year lease for the property, in order to construct an emergency operations and security center ahead of the 2010 World Equestrian Games. The operations center was never constructed on the site, which remains in the ownership of the Commonwealth of Kentucky. It is the staff's understand that the site is being proposed for rezoning now because there has been some interest from a company in constructing a warehouse facility on the property, which would then be sub-leased.

Ms. Wade displayed the following photographs of the subject property: 1) an aerial view, noting that it that the property is divided by an existing treeline into two pastures; 2) a view of the eastern pasture, noting the trees at the rear, which adjoin the Highland Park neighborhood; 3) a view of the western side of the property, noting the evidence that it had been used for agricultural purposes during the summer, as well as the existing treeline along the Belmont Farm neighborhood; 4) a closer view of the treeline, noting the location of the Cane Run Creek watershed and the existing Legacy Trail, which runs north toward the Horse Park; 5) a closer view of the riparian area near the creek; 6) a view of Citation Boulevard, noting the condominium development to the northwest; 6) a view across Citation Boulevard, depicting some of the existing development in the Coldstream Research Campus.

Ms. Wade stated that the 2007 Comprehensive Plan recommends Medium Density Residential land use, or 5-10 dwelling units per net acre, for the subject property. Based on the acreage of the property, the Plan suggests a range of between 80 and 159 dwelling units. The proposed rezoning from R-3 to P-2, therefore, cannot be found to be in agreement with the recommendation in the Land Use element of the Comprehensive Plan.

Ms. Wade said that, in reviewing the appropriateness of the proposed P-2 zone, the staff found that the property is bordered by two residential neighborhoods; but no connectivity exists with either of them, so it is relatively isolated. Even though it is isolated, the subject property could possibly be considered as a good location for a multifamily development; however, the staff is aware that the existing condominium development nearby (to the northwest) has had a slow rate of occupancy, which indicates that the market might be less than favorable for that land use in that portion of the community. In addition, the fact that the subject property is part of a land agreement with the Commonwealth of Kentucky could make it more difficult to develop for residential uses. The property has over 900 feet of frontage on Citation Boulevard, which is one of Lexington-Fayette County's major connector roadways. It provides excellent access to the local roadway network, as well as Interstate 75, which is located nearby with an interchange at Newtown Pike. This type of access is preferred for warehouses and distribution of goods, and it would benefit the use that is currently proposed for the subject property.

Ms. Wade stated that the remainder of the Coldstream Research Campus is already zoned P-2. In addition, the proposed warehouse and distribution land use is similar in terms of intensity and traffic to the school and emergency management center that were previously proposed for the site. The existing property boundary already provides some buffering to the two existing adjoining residential developments; the staff would suggest that that buffering be maintained, in order to provide screening from the proposed warehouse and distribution facility. Ms. Wade stated that the staff and the Zoning Committee are recommending approval of this request, for the reasons as listed in the staff report and on the agenda.

Commission Questions: Mr. Penn asked if this rezoning request was brought forward without a development plan because the subject property is leased by LFUCG. Ms. Wade responded that the property is currently leased by LFUCG. Mr. Penn asked if LFUCG intended to sublease the property to a private entity, to which Ms. Wade responded

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affirmatively. She added that the private entity would be required to file a final development plan for the property for Planning Commission consideration.

Mr. Owens asked if the potential tenant on the subject property would be required to meet all of the existing standards of the Coldstream Research Campus. Ms. Wade answered that the standard P-2 zone requirements would apply to this property as well.

Citizen Objection: Stacy May, 2372 Prescott Lane, stated that her property adjoins the subject property. She said that the existing treeline along the property boundary does not offer a great deal of sound buffering, and she asked if additional landscaping would be required. Ms. Wade answered that the P-2 zone requires a certain number of trees per acre, on average. She said that, when the Planning Commission considers a final development plan for the site, they could direct that the landscaping be more fully developed along the boundaries. In addition, the Commission could also require fencing at that time.

Jon Nicholas, 2416 Prescott Lane, stated that his property also adjoins the subject parcel. He asked if the Belmont Farms residents would be notified well in advance of the Planning Commission's consideration of a development plan for the property. Ms. Wade answered that there is a notice requirement for zone changes, but not for development plans. She explained that the neighborhood could request to be notified, however, and the Commission could require that notification as part of their action on the development plan. Since there was no development plan in this case, the staff could add a note to the file indicating that the neighbors would like to be notified about the filing of a development plan for the property; but it would not be the standard mailed notice that is sent for a rezoning request. Mr. Saltee added that, if the Commission chose, they could add a motion to their action requiring the staff to notify the neighbors present at this meeting at the time of the filing of a development plan for the site. He noted that the citizens would need to provide their addresses to the staff, on the record, so that the staff would have that information for the notification.

Chris Jones, 2372 Prescott Lane, stated that he was concerned about the lack of a development plan for the property. He said that he was concerned about the proposed locations of the buildings; the potential for noise; and the possibility of outdoor intercom systems on the property. Mr. Jones asked that the Planning Commission consider withholding their action on this rezoning request until they have the opportunity to review the development plan. Mr. Owens stated that all of those items could be addressed along with the development plan.

Commission Question: Mr. Berkley asked if the proposed tenant would use the entire 16-acre site, or if there would be any further subdivisions of the tract. Ms. Wade responded that the staff received a communication from Kevin Atkins, from the Mayor's staff, indicating that the proposed user prefers to remain anonymous; but they are proposing to distribute veterinary medications and supplies on the site. In response to a request from the neighborhood, Mr. Atkins indicated that the facility would be a modern distribution center, with no expected noise or air pollution. The facility would receive minimal truck traffic, which would cease each day at noon. Mr. Saltee added that it might be possible, when the development plan is filed, that it would be for only a portion of the site. Ms. Wade said that the early indication was that the user was not interested in occupying the entire 16 acres, but that could change as the details are finalized with the Council. Mr. Owens added that any such subdivision would be brought before the Planning Commission for their review. Ms. Wade said that the staff does not anticipate any additional access to the subject property would be requested along Citation Boulevard.

Citizen Objection: Darryl Strode, 2356 Prescott Lane, stated that he was concerned about the number of unknowns in this situation, particularly the size of the proposed facility, the number and size of trucks that would travel to and from it, and the possible fumes from trucks on the site. He requested that the neighbors be allowed to review the development plan and offer comments on it at some point. Mr. Strode also asked if other portions of the Coldstream campus were considered as possible sites for this use, since the subject property is located near two existing residential developments. Mr. Owens opined that the Council likely worked with Commerce Lexington and other entities to determine that the subject property would be a suitable site for the proposed use.

Commission Discussion: Ms. Plumlee suggested that, should the Commission choose to approve this request, they add a new conditional zoning restriction to require notification of the neighbors of record prior to the review of the development plan. Mr. Saltee stated that the staff would be glad to do so based on the record of this hearing, but added that he did not believe that that requirement should be a conditional zoning restriction. Ms. Wade added that the Zoning Ordinance would not permit that type of conditional zoning restriction, but the staff could facilitate the notification of the residents once the development plan is filed.

Mr. Owens asked if a separate motion could be put forth to require the notification of the neighbors; and, if so, whether the neighbors should provide their addresses directly to the staff at this hearing. Mr. Saltee answered that the staff has a list of the addresses to which the original notification was mailed, and they could use that to notify the residents appearing today of the filing of a development plan.

Ms. Mundy stated, with regard to the staff's assertion that the market for multifamily housing in the vicinity of the subject property might be weak, that she had assisted several of the condominium owners in selling their property. Many of

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those individuals indicated that the area was a “food desert,” and it was very difficult to obtain goods or services with no shopping facilities nearby. Ms. Mundy opined that the Planning Commission needed to keep that need in mind.

Motion: A motion was made by Mr. Penn, seconded by Mr. Brewer, and carried 10-0 (Beatty absent) to approve MAR 2013-17, for the reasons provided by staff.

Motion: A motion was made by Mr. Penn, seconded by Mr. Brewer, and carried 10-0 (Beatty absent) to require that notification of the neighborhood residents who were present at this meeting be sent prior to the public meeting for the final development plan.

V. COMMISSION ITEMS

A. PFR 2013-9: LFUCG DEPARTMENT OF PUBLIC SAFETY – requests a Public Facility Review of their proposal to locate the LFUCG Emergency Services Center at 115 Cisco Road.

SUMMARY FINDINGS: There are no Goals or Objectives of the 2007 or 2012 Comprehensive Plan that are in opposition to the use of the Cisco Road property as an Emergency Services Center. It is in compliance with the Land Use Element of the Plan, which recommends **Other Public Uses** for the property, based on the fact that the property has been owned and operated by the Urban County Government for several years. Several Goals and Objectives, as well as text of the Plan, support the project. By virtue of its occupancy 24/7/365, there is a potential to disturb surrounding residential properties. The existing screening of the site along the northern property line will help to mitigate that situation, and it is recommended that additional screening along the eastern property line (frontage of the property) be implemented as well. There are no other apparent/significant issues that might be of concern in the proposed use of this property. In spite of its daily and continuous use for the Emergency Services Center, it is likely a less intense use than a detention center, which was the former use of the property.

The purpose of the center is to provide a central (and sizeable) location so that various aspects of public safety within Lexington-Fayette County can be coordinated and thereby improved. This, in itself, constitutes compliance with the Comprehensive Plan, which is written and adopted as a guide for planning so that public health, safety and welfare is maintained and enhanced.

RECOMMENDATION:

Because the property will be occupied 24/7/365, it is recommended that the existing tree line that borders the property to the north be maintained, and supplemented where needed, to screen the proposed use from the adjoining residential properties. It is also recommended that additional landscaping be implemented along the frontage of the property (eastern property line).

Staff Presentation: Ms. Rackers stated that this Public Facility Review was requested by the LFUCG Department of Public Safety for an Emergency Services Center. She oriented the Commission to the location of the subject property on Cisco Road, off of Versailles Road near Red Mile Road. The property, which is currently zoned R-2, is recommended for Other Public Uses by the 2007 Comprehensive Plan. The Other Public Uses category typically refers to uses that are large, distinct, service-oriented, and often for the benefit of the public, such as the airport, libraries, or government offices. The property has been owned by LFUCG for some time, and it was formerly occupied by the Youth Detention Center.

Ms. Rackers stated that there is no known opposition to the proposed use of the subject property, and it is supported by the text and the Goals & Objectives of the 2007 and 2012 Comprehensive Plans. She said that all of the applicable Goals & Objectives were listed in the staff report.

Ms. Rackers said that, in 2008, the Planning Commission heard a Public Facility Review for the Citation Boulevard property that was the subject of a rezoning earlier in this meeting. That request was for a public safety operations center, which is now being proposed on the subject property. The Department of Public Safety believes that the subject property will be more appropriate for that use, since it is more centrally located in the county. The proposed facility will include the E911 dispatch center; the Division of Emergency Management offices; the Emergency Operations Center; and LexCall-311, as well as staff offices and administrative space for each agency. The facility is also proposed to contain support space; a media press room; staff break room; IT area and work room; and public and staff restrooms, which will contain showers and lockers for staff members.

Referring to the proposed site plan for the property, Ms. Rackers noted the locations of the existing access points, one of which will have a security gate for staff parking. The other access point will be for public parking. She said that the property will be surrounded by a steel gate, with secured parking and a 50'-radius “safe area.”

The properties to the north and east are zoned for residential, commercial, and office use. The LFUCG Family Life Center is also located nearby and shares pedestrian access with the subject property, which is also proposed to be secured. There is existing screening between the subject property and all of the properties to the north, with the exception of one B-4 zoned property. Ms. Rackers explained that LFUCG is exempt from zoning regulations, but has indicated in the past that it would like to comply with the same requirements as the general public. Therefore, the staff is recommending some additional screening along that boundary, as well as along the Cisco Road frontage. The property will be occupied 24 hours a day, 365 days a year, so it has the potential to be a disturbance to the surrounding residents.

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Ms. Rackers stated that the Comprehensive Plan addresses the need to continually upgrade the E911 system, which experiences an increase in calls each year due to population growth and greater access to cell phones. Representatives of the Department of Public Safety believe that response times might improve with the construction of the proposed facility, since the emergency response team will be housed together in one location. One of the Themes of the Comprehensive Plan addresses the provision of infrastructure to meet future needs and enhance the quality of life in Lexington-Fayette County. While the proposed facility is not technically considered to be infrastructure, the staff believes that it fits with that category, since it is essential to the public health, safety, and welfare.

Ms. Rackers stated that the staff finds this request to be in compliance with the Comprehensive Plan text, Land Use Element, and Goals & Objectives. The staff is recommending additional landscaping along the northern and eastern property lines, in order to provide some buffering for the nearby residential uses.

Steven Cherry, architect, was present. Mr. Rick Curtis was also present, representing the Department of Public Safety. Mr. Cherry said that the existing facility on the property appears to be a good fit for this project, although the design is still in the very early stages.

Commission Questions: Mr. Penn asked if the existing parking configuration will remain, or if any modifications will be made in order to lessen the impact on the neighborhood. Mr. Cherry responded that the parking will remain essentially the same, although it will be divided into public and secured areas. A security fence, with a gate to be operated by a card reader, is proposed to be installed at the entrances to the secured parking area. Mr. Cherry said that the only major change to the parking will be the creation of a 50' standoff from the Emergency Operations Center, for security purposes. He added that the goal is to accommodate the parking needs of the facility without a costly reworking of the entire site.

Mr. Penn asked if the facility is proposed to be used as a call center, or if emergency vehicles will be dispatched from the site. Clay Mason, LFUCG Commissioner of Public Safety, stated that there will be no major traffic impact from the proposed facility. It is proposed to be used as a call dispatch center, with no emergency vehicles routinely located on the site.

Mr. Owens said that he appreciated the intent to increase the amount of landscape buffering on the site, since he believes LFUCG "should lead by example."

Action: A motion was made by Mr. Berkley, seconded by Ms. Mundy, and carried 10-0 (Beatty absent) to approve PFR 2013-9, based upon the recommendations made by the staff.

VI. STAFF ITEMS – No such items were presented.

VIII. AUDIENCE ITEMS – No such items were presented.

IX. MEETING DATES FOR DECEMBER, 2013

Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	December 5, 2013
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (101 East Vine Street).....	December 5, 2013
Subdivision Items Public Meeting , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	December 12, 2013
Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (101 East Vine Street).....	December 18, 2013
Zoning Items Public Hearing , Thursday, 1:30 p.m., 2 nd Floor Council Chambers.....	December 19, 2013

X. ADJOURNMENT – There being no further business, Chairman Owens declared the meeting adjourned at 2:31 p.m.

TLW/TM/CT/BJR/BS/src

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